

written objections thereto. On January 13, 2017, plaintiff filed her objections. The court ordered the Commissioner to respond, which she did on January 26, 2017. After a thorough study of the record, the magistrate judge's proposed findings and conclusions, and applicable legal authorities, the court has concluded that plaintiff's objections lack merit and that the recommendation of the magistrate judge should be accepted.

Plaintiff first complains that the Administrative Law Judge ("ALJ") failed to properly weigh the medical opinion evidence, arguing (in essence) that the ALJ was bound by a treating physician's conclusion that plaintiff was disabled. As the Commissioner notes in her response, the record contains evidence of examinations by other treating physicians showing normal functions that are substantial evidence supporting a nondisability finding. Plaintiff misleadingly ignores this evidence in making her argument.

Plaintiff next complains that the ALJ failed to properly evaluate plaintiff's credibility. The ALJ gave a thorough discussion of the reasons for finding plaintiff to be less than credible in certain regards, which need not be repeated here. TR 148-51. The ALJ did not base his decision solely on a lack of objective medical evidence to support plaintiff's allegations, as plaintiff contends.

Finally, plaintiff complains that the appeals council failed to properly consider new medical evidence. However, as the appeals council noted, the new evidence submitted relates to a period after the ALJ's decision. TR 15. The records were not material to the time period considered by the ALJ.

The court accepts the recommendation of the magistrate judge and ORDERS that the decision of the Commissioner that, based on the application for disability insurance benefits protectively filed August 29, 2012, plaintiff is not disabled under sections 216(i) and 223(d) of the Social Security Act, and based on the supplemental security income application protectively filed on August 29, 2012, plaintiff is not disabled under section 1614(a)(3)(A) of the Social Security Act, be, and is hereby, affirmed.

SIGNED January 30, 2017.



JOHN MCBRYDE
United States District Judge